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PATRICIA CISNEROS

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

PATRICIA CISNEROS,

Defendant.

No. Cr. S 20-198 KJM

**STIPULATED MOTION AND [lodged]  
ORDER TO REDUCE SENTENCE  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

RETROACTIVE CRIMINAL HISTORY  
REDUCTION CASE

Judge: The Honorable KIMBERLY J. MUELLER

Defendant, PATRICIA CISNEROS, by and through her attorney, Assistant Federal Defender David M. Porter, and plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney Shelley D. Weger, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c)(2), this Court may reduce the term of imprisonment in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o), after taking into account the policy statements set forth in USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable;

2. The United States Sentencing Commission recently amended the Sentencing Guidelines to include what now appears in USSG § 4C1.1 (“zero-point provision”). *See* Amendment 821, Part B, Subpart 1. The zero-point provision provides a 2-offense-level

reduction for certain offenders who present zero criminal history points and satisfy the criteria listed in USSG § 4C1.1(a). The United States Sentencing Commission made the zero-point provision retroactive beginning February 1, 2024. *See* USSG § 1B1.10(e)(2) (Nov. 1, 2023); 88 Fed. Reg. 60534;

3. On April 24, 2023, this Court sentenced Ms. Cisneros to a term of 56 months imprisonment;

4. Ms. Cisneros's total offense level was 27, her criminal history category was I (having no criminal history points), and the resulting guideline range was 70 to 87 months. Ms. Cisneros was found to be safety valve eligible and therefore, was not subject to the statutory mandatory minimum sentence;

5. The sentencing range applicable to Ms. Cisneros was subsequently lowered by the zero-point provision;

6. Ms. Cisneros is eligible for a reduction in sentence, which reduces her total offense level by 2 from 27 to 25, resulting in an amended advisory guideline range of 57 to 71 months;

7. When the defendant's original sentence was below the applicable guideline range, the court may, in accordance with the exception set forth in USSG § 1B1.10(b)(2)(B), grant a comparable reduction below the amended guideline range;

8. Accordingly, the parties request the Court enter the order lodged herewith reducing Ms. Cisneros's term of imprisonment to 46 months, effective February 1, 2024, but if

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1 the amount of time served as of February 1, 2024 exceeds 46 months, the sentence is instead  
2 reduced to a sentence of time-served as of February 1, 2024.

3 Respectfully submitted,

4 Dated: January 23, 2024

Dated: January 23, 2024

5 PHILLIP A. TALBERT  
6 United States Attorney

HEATHER E. WILLIAMS  
Federal Defender

7 /s/ Shelley D. Weger  
8 SHELLEY D. WEGER  
Assistant U.S. Attorney

/s/ David M. Porter  
DAVID M. PORTER  
Assistant Federal Defender

9 Attorney for Plaintiff  
10 UNITED STATES OF AMERICA

Attorney for Defendant  
PATRICIA CISNEROS

**ORDER**

This matter came before the Court on the stipulated motion of the parties for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2).

The parties agree, and the Court finds, that Ms. Cisneros is entitled to the benefit of Amendment 821, Part B, Subpart 1, the new zero-point provision, which reduces the total offense level from 27 to 25, resulting in an amended guideline range of 57 to 71 months.

IT IS HEREBY ORDERED that, pursuant to USSG § 1B1.10(b)(2)(B), the term of imprisonment imposed in April 2023 is reduced to a term of 46 months, effective February 1, 2024, but if the amount of time served as of February 1, 2024 exceeds 46 months, the sentence is instead reduced to a sentence of time-served as of February 1, 2024.

IT IS FURTHER ORDERED that all other terms and provisions of the original judgment remain in effect. The clerk shall forthwith prepare an amended judgment reflecting the above reduction in sentence, and shall serve certified copies of the amended judgment on the United States Bureau of Prisons and the United States Probation Office.

Unless otherwise ordered, Ms. Cisneros shall report to the United States Probation Office within seventy-two hours after her release.

Dated: January 26, 2024.

  
CHIEF UNITED STATES DISTRICT JUDGE